

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Steven Desmond Peterson, #15086-056,	)	C/A No. 4:21-cv-00725-DCC-TER
	)	
Petitioner,	)	
	)	ORDER
vs.	)	
	)	
Nanette Barnes, Warden,	)	
	)	
Respondent.	)	
_____	)	

This action was filed by a federal prisoner<sup>1</sup> and is before the Court due to Petitioner's failure to comply with the Magistrate Judge's order to complete a Petition form. ECF No. 22. The order was returned as undeliverable from the address given by Petitioner in his objections; the order was remailed and was not returned as undeliverable from a different address previously used by Petitioner.

Petitioner has neglected to comply with the Order within the time permitted under the Order. The Court has not received a response from Petitioner and the time for compliance has passed. A review of the record indicates that the Magistrate Judge ordered Petitioner to submit items needed to render this case into proper form and specifically informed Petitioner that if he failed to do so, this case would be subject to dismissal.

Petitioner's lack of response to the Orders indicates that he does not intend to prosecute this case, and subjects this case to dismissal. See Fed. R. Civ. P. 41(b) (district

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<sup>1</sup> Initially, the Magistrate Judge recommended the action be dismissed as Petitioner informed the court he was released. ECF No. 9. However, Petitioner objected to such recommendation stating he was still imprisoned and the undersigned recommitted the matter to the Magistrate Judge.

courts may dismiss an action if a petitioner fails to comply with an order of the court); see also *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

**IT IS SO ORDERED.**

Spartanburg, South Carolina  
August 3, 2021

s/Donald C. Coggins, Jr.  
United States District Judge

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.